

FALL 2023



REVIEW OF APPLICATIONS FOR UNDERGRADUATE ADMISSIONS 2023 – 2024

Phase I



WHAT STARTS HERE CHANGES THE WORLD

The Office of the Vice President for Legal Affairs

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These Things Have Changed:

- Applicants' race/ethnicity information will be unavailable to reviewers while the admissions decision is pending;
- Race/ethnicity has been removed as a subfactor from the relevant review rubric; and
- It is now unlawful to consider race/ethnicity as a positive or negative factor in admissions.

These Things Will Stay the Same:

- Applicants can include any personal information they choose in essay answers (including information about their race) and will not be penalized.
- We will continue to collect demographic data about applicants for lawful purposes.

Why Are We Doing This?

- Ensure our practices conform with the law and UT's mission and values.
 - *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College* and *Students for Fair Admissions, Inc. v. Univ. of North Carolina* (2023), effective June 29, 2023.

SFFA v. Harvard / SFFA v. UNC

- In a 6-3 decision issued on June 29, SCOTUS held that Harvard and UNC's use of race in admissions violated the Equal Protection Clause and Title VI.
 - **Concurrences:** Justices Thomas, Gorsuch, Kavanaugh
 - **Dissenting opinions:** Justices Sotomayor and Jackson
- This training covers *SFFA* majority opinion because concurring and dissenting opinions are not the law.



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SFFA: Harvard & UNC's use of race didn't satisfy strict scrutiny.

- Universities' reasons for using race could not be meaningfully reviewed by courts;
- Court found inadequate connection b/t universities' goals and the means used to achieve those goals (racial categories);
- Universities used race as a "negative" against some candidates, contrary to prior SCOTUS admissions precedent;
- Race-based admissions preferences involve racial stereotyping; and
- Universities' use of race had no ascertainable end point.



What does *SFFA* prohibit?

Public colleges and universities, as well as private ones that accept federal funds, cannot consider race or ethnicity as a factor in admissions.

What does *SFFA* allow?

- “Nothing in this opinion should be construed as prohibiting universities from considering an applicant’s discussion of how race affected his or her life, be it through discrimination, inspiration, or otherwise.”
- But the opinion also cautions that a university cannot accomplish through essay prompts, or otherwise, what it is forbidden from doing by the Equal Protection Clause. The permissible considerations of race in that context must be “tied to that student” who “must be treated based on his experience as an individual—not on the basis of race.”

Holistic Review Under *SFFA*

- Admissions officers must treat applicants based on their attributes as individuals—not on the basis of race.
- Examine each candidate as an individual.
- Consider an applicant's qualities and attributes that make them an attractive candidate regardless of whether the opportunity to develop those traits arose because of their experience based on being a particular race.
- For example, an applicant may show that they have gained courage and determination from experiencing racial discrimination, or from persevering over bullying related to things other than race (poverty, disability, etc.).
- Race may have played a role in how an applicant obtained a desired trait or quality, but race itself is not a desired trait or quality.

Conforming to the Law

- ✓ VPLA reviewed and approved all application materials.
- ✓ A single essay question replaced some supplemental essay questions.
- ✓ Race/ethnicity checkbox info will not be provided to file reviewers and will not be considered in scoring files.
- ☐ VPLA will train application reviewers.

11

Conforming to the Law – Step #1

VPLA Review

Programs may not release their applications to the public until VPLA confirms that an attorney has reviewed and approved the program's application materials.

Conforming to the Law – Step #2

Race/ethnicity has been removed as a subfactor under the evaluation rubric and may not be considered as a positive or negative factor in evaluating applicants.



Conforming to the Law – Step #3

Redact Demographic section of application

- UT Austin will screen applicants' demographic race/ethnicity data from file reviewers.
- UT Austin's application essay prompts will not invite applicants to identify their race.
- File reviewers must limit their review to only the application file materials provided to them.

Example:

Are you Hispanic or Latino?

☐ Yes
☐ No

Regardless of how you responded to Question 1, select one or more of the following races:

☐ American Indian/Alaskan Native
☐ Asian
☐ Black/African American
☐ Caucasian/White
☐ Native Hawaiian/Other Pacific Islander

If you selected American Indian/Alaskan Native, please indicate your Tribal Affiliation:

What should I do if an applicant mentions their race? (1 of 2)

- Applicants may choose to mention or discuss their race in essay answers.
- Other aspects of file may indicate applicant's race (resume, recommendation letters, etc.)
- If an essay answer or other application materials indicates an applicant's race or ethnicity, you **MAY NOT** consider their race as either a positive or negative factor, to any extent, in your evaluation of the candidate.

What should I do if an applicant mentions their race? (2 of 2)

- Instead, you must evaluate each candidate as an individual with a focus on their relevant personal attributes. If an applicant mentions race in the context of discussing relevant personal qualities, you MAY still consider the merits of how those experiences impacted the candidate's qualities and attributes (e.g., their reaction to challenges).
- Consider the person's qualities and attributes, not their race, even if race provides context for the qualities and attributes.

Examples (1 of 7)

If an applicant writes an essay about overcoming racial discrimination:

- You could give positive consideration to something that experience reveals about their personal character (such as motivation or maturity or adaptability).
- Do not give any positive or negative consideration to the fact that the applicant is of a particular race.

Examples (2 of 7)

If an applicant writes about their experience attaining a leadership position in a high school where most of the students were of a different race:

- You could give positive consideration to the applicant's demonstrated leadership potential or their skill in effectively representing their fellow students' interests.
- Do not give any consideration (positive or negative) to the fact that the applicant is of a particular race.

Examples (3 of 7)

If the applicant explains in an essay that their desire to pursue a particular field of study (such as social work, law, or medicine) stems from their personal experiences with racial discrimination:

- You might consider that personal history in understanding the applicant's academic focus, the depth of their commitment to their chosen field, and the attributes reflected in their previous experiences overcoming challenges and adversity.
- Any such consideration should not be based on, or vary depending on, the applicant's race.

Examples (4 of 7)

If an applicant mentions or discusses their race without providing a meaningful connection to some desirable quality other than race:

- You may consider any relevant skills or qualities demonstrated by the essay, for example, the applicant's ability to write or responsiveness to the essay prompt.
- Disregard the applicant's mention of race.

Examples (5 of 7)

An applicant states in an essay that they will contribute to diversity on campus or in the classroom at UT Austin because they are a member of an underrepresented race:

- Do not give this statement by itself any positive or negative consideration.
- You may consider any relevant skills or qualities demonstrated by the essay, for example, the applicant's ability to write or responsiveness to the essay prompt.

Examples (6 of 7)

An applicant writes an essay about excelling in English Literature classes despite growing up in a non-English-speaking household:

- You might positively consider the applicant's multi-language fluency or demonstrated ability to overcome obstacles.
- Do not attach any weight to applicant's race.

Examples (7 of 7)

An applicant's essay discusses their role in an organization centered around race (e.g., Hispanic Students Association):

- You might give positive consideration to the applicant's activities or achievements within the organization (awards, leadership experience, impactful community projects).
- Focus on the nature and extent of the applicant's activities or achievements, not their race.
- Do not give the applicant any bonus simply for identifying as a member of a particular racial group or race-centered organization.

Summary (1 of 2)

- You MAY:
 - Consider statements pertaining to an applicant's race to the extent that they give context or meaning to applicant's relevant skills or qualities.

Summary (2 of 2)

- You MAY NOT:
 - Give any consideration, positive or negative, to an applicant's race or ethnicity as such.
 - Treat applicants differently based on their race or ethnicity when making admissions decisions.

During Your Review

- Do not comment on or note the applicant's race, ethnicity, sex, or gender.
- Keep review comments/notes short and relevant—focus on information that sheds light on an applicant's unique potential to succeed in the program and/or contribute to the University community and the field or profession.



WHAT STARTS HERE CHANGES THE WORLD

Q&A



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More questions?

Contact us at vpla@austin.utexas.edu



THANK YOU!
